

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO.: 5:17-CV-534-H

EPIC GAMES, INC.

Plaintiff,

v.

C.R.,

Defendant.

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ORDER

This matter is before the court on plaintiff's motion for entry of default in this matter. Defendant has not filed a response to the motion for default. Plaintiff filed a complaint in this matter on October 23, 2017. On October 27, 2017, the clerk's office issued a summons to defendant C.R. It appears that at the time of filing of the complaint and issuance of the summons, plaintiff was unaware defendant C.R. was a minor. On November 15, 2017, the court received a letter from Lauren A. Rogers on behalf of her minor son, C.R., in which she asks the court to dismiss the complaint against C.R.

Upon realizing that defendant C.R. was a minor, plaintiff sought an amended summons to effect proper service. As detailed

in its motion for entry of default and declaration of service, plaintiff appears to have now effectuated proper service. Plaintiff now seeks the court to enter default for failure of defendant to answer or otherwise respond.

While it is true that defendant has not responded since proper service was effectuated, the letter from defendant's mother [DE #6] detailing why this matter should be dismissed cannot be ignored. The court hereby construes the letter [DE #6] as a motion to dismiss. Plaintiff is granted 21 days to respond to the motion to dismiss, and then defendant shall have 21 days to reply. Having determined that defendant has responded, defendant's motion for entry of default is DENIED WITHOUT PREJUDICE.

In an abundance of caution, the clerk is directed to serve a copy of this order on defendant, through his mother, at both the following addresses: C.R., c/o Lauren Rogers, 5 Vireo Circle, Newark, DE 19711 and C.R., c/o Lauren Rogers, 501 West Ave., New Castle, DE 19720.

Plaintiff is hereby directed to file a redacted version of the complaint [DE #1] and the Copyright Report [DE #4] in this matter. See Fed. R. Civ. P. 5.2. The clerk is directed to redact the letter [DE #6]. Due to defendant being a minor, the following documents shall be permanently sealed in accordance with Rule 5.2 of the Federal Rules of Civil Procedure: the unredacted complaint

[DE #1], the unredacted Copyright Report [DE #4], the summons issued as to C.R. [DE #5], and the unredacted Letter from Lauren Rogers which is now being construed as a motion to dismiss [DE #6].

This 3rd day of April 2018.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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